

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA (WILKES-BARRE)**

In re:

Elizabeth Caymares,

Debtor.

Chapter 13

Case No. 23-02305 (MJC)

**STIPULATION AND AGREED ORDER ALLOWING CATERPILLAR FINANCIAL
SERVICES CORPORATION TO FILE A PROOF OF CLAIM AFTER THE BAR DATE**

The Elizabeth Caymares (the “Debtor”) and Caterpillar Financial Services Corporation (“CAT Financial”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on or about October 26, 2023 (the “Petition Date”), Debtor filed a voluntary petition for relief under chapter 13 of title 11 of the United States Code (the “Bankruptcy Code”).

WHEREAS, the Bankruptcy Court has jurisdiction over the above-captioned Chapter 13 case pursuant to 28 U.S.C. §§ 57(b) and 1334.

WHEREAS, CAT Financial learned that this case was filed in late February 2024. Until then, CAT Financial had no knowledge of the Debtor’s bankruptcy filing and received no notices or mailings in connection therewith. CAT Financial was not scheduled as a creditor or notice party in this action.

WHEREAS, unbeknownst to CAT Financial, a proof of claim bar date was set for December 15, 2023 (the “Bar Date”). CAT Financial did not receive notice of the Bar Date.

WHEREAS, CAT Financial has asserted an unsecured claim against the Debtor in the amount of \$425,910.52 based on the debtor's personal guaranty of certain equipment financing provided by CAT Financial to Konstruktion Built, LLC.

WHEREAS, the Debtor and CAT Financial desire to amicably resolve the issue of allowing CAT Financial to file a proof of claim without the necessity of a motion to allow a late filed claim.

WHEREAS, contemporaneously with the filing of this Stipulation, CAT Financial has filed a proof of claim in the claims register in the amount of \$425,910.52 (Claim No. 7) (the "Proof of Claim").

NOW THEREFORE, in consideration of the foregoing and in consideration of the terms, conditions and mutual agreements set forth herein, it hereby is:

STIPULATED AND AGREED by and between the Debtor and CAT Financial as follows:

1. CAT Financial is hereby granted leave to file its Proof of Claim (Claim No. 7) after the Bar Date.
2. The Debtor shall not object to the timeliness of the filing of CAT Financial's Proof of Claim.
3. The Proof of Claim is deemed timely filed.
4. The entry of this order shall be without prejudice to the rights of the Debtor or any party in interest to object to such Proof of Claim for a reason other than timeliness of filing same.

APPROVED BY THE COURT:

Hon. Mark J. Conway
United States Bankruptcy Judge

**BUCHANAN INGERSOLL &
ROONEY PC**

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